

REMARKS

Applicants have carefully considered this Application in connection with the Examiner's Action, and respectfully request reconsideration of this Application in view of the above Amendment and the following remarks.

Applicants have amended Claims 1, 3, 19, 23, 25, 27, 43, 44, 52, 53, 65, 67, 85, and 86. Applicants have cancelled Claims 2, 26, 60 – 64, and 66. Applicants have added new Claims 97 – 102.

Claims 1, 19, 23, 25, 43, 52, 65, and 85 have been amended to clarify that the solution or suspension of the AGIIS is isolated from a mixture comprising sulfuric acid and calcium hydroxide, or a calcium salt, or a mixture of calcium hydroxide and a calcium salt. Support for these amendments can be found in the Specification at Page 7, line 18 to Page 8, line 21. Claims 1, 19, 23, 25, 43, 52, 65, and 85 have also been amended to clarify that the mole ratio of calcium hydroxide to sulfuric acid is less than about 0.5. Support for these amendments can be found in the Specification at Page 15, line 24; Page 17, line 6; and Page 18, line 10. Claims 3, 27, 44, 53, 67, and 86 have been amended to correct their dependency and to make them consistent with the other amended claims.

New Claims 97 – 102 have been added which specify that the calcium salt of the AGIIS is calcium sulfate, calcium oxide, or calcium carbonate. Support for these new claims can be found in the Specification at Page 7, lines 23 – 26.

Pending in the application are Claims 1, 3 – 25, 27 – 59, 65, and 67 – 102.

1. Rejections Under 35 U.S.C. §112, First Paragraph

Claims 1 – 59 and 65 – 96 stand rejected under 35 U.S.C. §112, first paragraph for being non-enabling for the processes described in these claims.

Applicants have amended Claims 1, 19, 23, 25, 43, 52, 65, and 85 above to recite that the solution or suspension of the AGIIS is isolated from a mixture comprising sulfuric acid and

calcium hydroxide, or a calcium salt, or a mixture of calcium hydroxide and a calcium salt. Applicants respectfully submit that the Specification provides numerous examples of how to prepare AGIIS from these components. For this reason, Applicants respectfully submit that the pending claims are enabled and patentable under 35 U.S.C. §112, first paragraph.

2. Rejections Under 35 U.S.C. §102(b)/103(a)
U.S. Patent No. 5,087,467 to Schwank

Applicants wish to thank the Examiner for withdrawing the rejection of Claims 60 – 62 and 64 under 35 U.S.C. §102(b) or §103(a) as being anticipated by or obvious in light of U.S. Patent No. 5,087,467 to Schwank (“Schwank”).

3. Rejections Under 35 U.S.C. §103(a)
Schwank, in view of U.S. Patent No. 6,375,976 to Roden et al.

Applicants have cancelled Claims 60 – 64 above. Thus, this rejection is rendered moot. Schwank, in view of Roden and U.S. Patent No. 5,087,467 to Wurzbürger et al.

Claims 1, 2, 4 – 15, 17 – 38, 40 – 79, and 81 – 96 also stand rejected as being unpatentable over Schwank in view of Roden and U.S. Patent No. 5,087,467 to Wurzbürger et al. (“Wurzbürger”). Applicants respectfully submit that the references in combination do not render the claimed subject matter obvious because they do not suggest the claimed composition, as amended.

Neither Schwank nor Roden disclose Applicants’ claimed composition because **neither Schwank nor Roden disclose AGIIS which is isolated from a mixture comprising sulfuric acid and calcium hydroxide, or a calcium salt, or a mixture of calcium hydroxide and a calcium salt.**

In addition, Wurzbürger does not disclose Applicants’ claimed composition because **Wurzbürger does not disclose a solution or suspension of AGIIS which is isolated from a mixture comprising sulfuric acid and calcium hydroxide, or a calcium salt, or a mixture of calcium hydroxide and a calcium salt, wherein the mole ratio of calcium hydroxide to sulfuric acid is less than about 0.5.** Wurzbürger discloses an acidic composition that is an

equimolar mixture of an acid, such as sulfuric acid, with a chemically equivalent amount of a base, such as calcium hydroxide. See, Wurzbürger, Col. 4, lines 45 – 49. The solution remaining in Wurzbürger after the precipitate is filtered contains not more than 2500 ppm sulfate ions. See, Wurzbürger, Col. 4, lines 58 - 61. A person of skill in the art understands that when the remaining sulfate ion concentration is this small, equimolar amounts of the acid and base have been mixed, effectively neutralizing them. By contrast, the claims as amended recite that the mole ratio of calcium hydroxide to sulfuric acid is less than about 0.5. Thus, **the amounts of acid and base mixed to prepare AGIIS are not equimolar.** Thus, the nature of Wurzbürger's acidic composition is considerably different, and a person of ordinary skill in the art would not have been motivated to create AGIIS based on Wurzbürger.

In conclusion, neither Schwank, nor Roden, nor Wurzbürger, nor the references in combination render Claims 1, 2, 4 – 15, 17 – 38, 40 – 79, and 81 – 96 obvious.

4. Conclusion

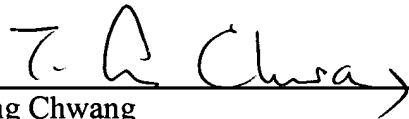
Applicants respectfully submit that, in light of the foregoing Amendment and comments, Claims 1, 3 – 25, 27 – 59, 65, and 67 – 102 are in condition for allowance. A Notice of Allowance is therefore requested.

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If the Examiner has any other matters which pertain to this Application, the Examiner is encouraged to contact the undersigned to resolve these matters by Examiner's Amendment where possible.

Respectfully submitted,



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